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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,256

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Scott Harrison

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EXAMINER

PAYNE, SHARON E

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/614,256

Applicant(s)

HARRISON, SCOTT

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10, 12-14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 8, 11 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the discrete light sources (claims 12 and 16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 17 is objected to because of the following informality: the word "structure" should be "surface" in line 1.

3. Claim 18 is objected to because of the following informality: the word "structure" should be "surface" in line 1.

4. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 6, 7, 12-14, 16, 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent Specification 1,541,737 (hereinafter "Megson").

Regarding claim 1, Megson discloses a cabinet for a dartboard. The description includes the method steps of providing illumination emanating from and about the periphery of the dartboard (Fig. 1), so that illumination emerges toward the surface of the dartboard to be reflected from the surface (Fig. 1), thereby enabling substantially uniform illumination of the dartboard without substantial glare or shadow (page 1, lines 20-32) and providing a protective surface (reference numbers 21 and 15) to provide protection from physical impact to a source of the illumination (Figs. 3 and 8).

Concerning 2, Megson discloses at least a portion of the protective surface (reference number 15) allows illumination to emanate through the protective surface toward the dartboard (Fig. 1).

Regarding claim 3, Megson discloses at least a portion of the protective surface provides a filter of illumination (Fig. 8). (Fascia board is opaque, which is a type of filter described in claim 7.)

Concerning claim 4, Megson discloses the filter enabling control of intensity and frequency spectrum of illumination transmitting through the portion of the protective surface (Fig. 8). (Fascia board is opaque, which means that intensity and the frequency spectrum emitted are being controlled because no light is allowed to exit through the fascia board.)

Regarding claim 6, Megson discloses at least a portion of the protective surface filters illumination directly from a source to a player in front of the dartboard (Fig. 8). (Fascia board is opaque, which means that all of the light is being filtered.)

Concerning claim 7, Megson discloses the filter being opaque (Fig. 8).

Regarding claim 12, Megson discloses the illumination being provided by a plurality of discrete sources distributed around the periphery of the dartboard (Fig. 1).

Concerning claim 13, Megson discloses the protective structure being removably attachable to a dartboard apparatus (page 2, lines 21-25).

Regarding claim 14, Megson discloses one or more sources of illumination emanating from and about the periphery of the dartboard (Fig. 1), so that illumination emanates toward the surface of the dartboard to be reflected from the surface thereby enabling substantially uniform illumination of the dartboard without substantial glare or shadow (Fig. 1) and a protective surface (Fig. 3) to provide protection from physical impact to a source of the illumination (Fig. 8).

Concerning claim 16, Megson discloses the illumination being provided from a plurality of discrete sources distributed around the periphery of the dartboard (Fig. 1).

Regarding claim 17, Megson discloses the protective structure being removably attachable to a dartboard apparatus (page 2, lines 21-25).

Concerning claim 19, Megson discloses at least a portion of the protective surface filters illumination emanating directly from a source to a player in front of the dartboard (Fig. 8). (Fascia board is opaque, which means that all of the light is being filtered out.)

Regarding claim 20, Megson discloses an illumination assembly (Fig. 1) to provide illumination emanating from and about the periphery of the dartboard (Fig. 1), wherein the illumination is so arranged about the periphery as to provide substantially uniform illumination of a surface of the dartboard (page 1, lines 32-42) and a protective structure (Fig. 8, reference numbers 21 and 15) to provide protection from physical impact to a source of illumination (Fig.

8), wherein at least a portion of the protective structure (reference number 15) is translucent (page 1, lines 25-31).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Megson and Land (U.S. Patent 2,323,059).

Regarding claim 5, Megson does not disclose a filter of polarization of illumination. Land discloses a filter of polarization of illumination (reference number 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the polarizer of Land in place of the protective surface of Megson to allow light of a certain polarization to reach the player.

9. Claims 9, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Megson in view of Libert (U.S. Patent 3,802,708).

Regarding claim 9, Megson does not disclose a first and second filter. Libert discloses the protective structure comprising a first portion providing a first filter of illumination (Fig. 1) and a second portion providing a second filter of illumination (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the filters of Libert in the method of Megson to produce segments having two different colors.

Concerning claim 10, Megson discloses the one of the filters as opaque (Fig. 8). (Fascia board is opaque.)

Regarding claim 18, Megson does not disclose a first and second filter. Libert discloses the protective structure comprising a first portion providing a first filter of illumination (Fig. 1) and a second portion providing a second filter of illumination (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the filters of Libert in the method of Megson to produce segments having two different colors.

#### ***Allowable Subject Matter***

10. Claims 8, 11 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose a filter comprising reflective material to reflect a portion of illumination emanating from a source toward the dartboard as recited in claim 8.

Regarding claims 11 and 15, while Thomas (U.S. Patent 2,413,662) discloses the distributed light source and Megson discloses all of the other elements, the references cannot be combined because Megson teaches against the combination. See page 1, lines 88-95, of Megson.


#### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sep

  
Sharon Payne  
Patent Examiner  
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